

AMENDED IN ASSEMBLY AUGUST 31, 2015

AMENDED IN ASSEMBLY AUGUST 19, 2015

SENATE BILL

No. 731

**Introduced by Senator Leno
(Coauthor: Senator Beall)**

February 27, 2015

An act to add Section 1502.8 to the Health and Safety Code, and to amend ~~Sections 16001.9 and 16501.1 of~~ *Section 16001.9 of*, and to add *Section 16006 to*, the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 731, as amended, Leno. Foster children: housing: gender identity.

Existing law provides that a minor may be adjudged a dependent child of the juvenile court under specified circumstances. Existing law authorizes the court to place a minor who has been removed from the custody of his or her parent or guardian in foster care, among other placements. Existing law extends certain foster care benefits to youth up to 21 years of age, known as nonminor dependents if specified conditions are met.

Under existing law, a county social worker develops a case plan for a minor or nonminor dependent that, among other things, identifies specific goals and the appropriateness of the planned services in meeting those goals. Existing law requires, if out-of-home placement is used to attain case plan goals, the case plan to include a description of the type of home or institution in which the child is to be placed, and the reasons for that placement decision. Existing law also specifies certain factors that must be considered in making a placement decision.

This bill would ~~require, in all settings,~~ *require* children *and nonminor dependents* in an out-of-home placement to be placed according to their gender identity, regardless of the gender or sex listed in their court or child welfare records. By expanding the duties of counties relating to the placement of foster children and nonminor dependents, this bill would impose a state-mandated local program.

Existing law provides that it is the policy of the state that all minors and nonminors in foster care have specified rights, including, among others, the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

This bill would additionally specify that all minors and nonminors in foster care have the right to be placed in out-of-home care according to their gender identity, regardless of the gender or sex listed in their court or child welfare records. The bill would require the State Department of Social Services to adopt regulations consistent with this provision.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1502.8 is added to the Health and Safety
- 2 Code, to read:
- 3 1502.8. The department shall adopt regulations consistent with
- 4 paragraph (24) of subdivision (a) of Section 16001.9 of the Welfare
- 5 and Institutions Code.
- 6 SEC. 2. Section 16001.9 of the Welfare and Institutions Code
- 7 is amended to read:

1 16001.9. (a) It is the policy of the state that all minors and
2 nonminors in foster care shall have the following rights:

3 (1) To live in a safe, healthy, and comfortable home where he
4 or she is treated with respect.

5 (2) To be free from physical, sexual, emotional, or other abuse,
6 or corporal punishment.

7 (3) To receive adequate and healthy food, adequate clothing,
8 and, for youth in group homes, an allowance.

9 (4) To receive medical, dental, vision, and mental health
10 services.

11 (5) To be free of the administration of medication or chemical
12 substances, unless authorized by a physician.

13 (6) To contact family members, unless prohibited by court order,
14 and social workers, attorneys, foster youth advocates and
15 supporters, Court Appointed Special Advocates (CASAs), and
16 probation officers.

17 (7) To visit and contact brothers and sisters, unless prohibited
18 by court order.

19 (8) To contact the Community Care Licensing Division of the
20 State Department of Social Services or the State Foster Care
21 Ombudsperson regarding violations of rights, to speak to
22 representatives of these offices confidentially, and to be free from
23 threats or punishment for making complaints.

24 (9) To make and receive confidential telephone calls and send
25 and receive unopened mail, unless prohibited by court order.

26 (10) To attend religious services and activities of his or her
27 choice.

28 (11) To maintain an emancipation bank account and manage
29 personal income, consistent with the child's age and developmental
30 level, unless prohibited by the case plan.

31 (12) To not be locked in a room, building, or facility premises,
32 unless placed in a community treatment facility.

33 (13) To attend school and participate in extracurricular, cultural,
34 and personal enrichment activities, consistent with the child's age
35 and developmental level, with minimal disruptions to school
36 attendance and educational stability.

37 (14) To work and develop job skills at an age-appropriate level,
38 consistent with state law.

1 (15) To have social contacts with people outside of the foster
2 care system, including teachers, church members, mentors, and
3 friends.

4 (16) To attend Independent Living Program classes and activities
5 if he or she meets age requirements.

6 (17) To attend court hearings and speak to the judge.

7 (18) To have storage space for private use.

8 (19) To be involved in the development of his or her own case
9 plan and plan for permanent placement.

10 (20) To review his or her own case plan and plan for permanent
11 placement, if he or she is 12 years of age or older and in a
12 permanent placement, and to receive information about his or her
13 out-of-home placement and case plan, including being told of
14 changes to the plan.

15 (21) To be free from unreasonable searches of personal
16 belongings.

17 (22) To the confidentiality of all juvenile court records consistent
18 with existing law.

19 (23) To have fair and equal access to all available services,
20 placement, care, treatment, and benefits, and to not be subjected
21 to discrimination or harassment on the basis of actual or perceived
22 race, ethnic group identification, ancestry, national origin, color,
23 religion, sex, sexual orientation, gender identity, mental or physical
24 disability, or HIV status.

25 (24) To be placed in out-of-home care according to their gender
26 identity, regardless of the gender or sex listed in their court or child
27 welfare records.

28 (25) To have caregivers and child welfare personnel who have
29 received instruction on cultural competency and sensitivity relating
30 to, and best practices for, providing adequate care to lesbian, gay,
31 bisexual, and transgender youth in out-of-home care.

32 (26) At 16 years of age or older, to have access to existing
33 information regarding the educational options available, including,
34 but not limited to, the coursework necessary for vocational and
35 postsecondary educational programs, and information regarding
36 financial aid for postsecondary education.

37 (27) To have access to age-appropriate, medically accurate
38 information about reproductive health care, the prevention of
39 unplanned pregnancy, and the prevention and treatment of sexually
40 transmitted infections at 12 years of age or older.

1 (b) Nothing in this section shall be interpreted to require a foster
2 care provider to take any action that would impair the health and
3 safety of children in out-of-home placement.

4 (c) The State Department of Social Services and each county
5 welfare department are encouraged to work with the Student Aid
6 Commission, the University of California, the California State
7 University, and the California Community Colleges to receive
8 information pursuant to paragraph (26) of subdivision (a).

9 ~~SEC. 3. Section 16501.1 of the Welfare and Institutions Code~~
10 ~~is amended to read:~~

11 ~~16501.1. (a) (1) The Legislature finds and declares that the~~
12 ~~foundation and central unifying tool in child welfare services is~~
13 ~~the case plan.~~

14 ~~(2) The Legislature further finds and declares that a case plan~~
15 ~~ensures that the child receives protection and safe and proper care~~
16 ~~and case management, and that services are provided to the child~~
17 ~~and parents or other caretakers, as appropriate, in order to improve~~
18 ~~conditions in the parent's home, to facilitate the safe return of the~~
19 ~~child to a safe home or the permanent placement of the child, and~~
20 ~~to address the needs of the child while in foster care.~~

21 ~~(b) (1) A case plan shall be based upon the principles of this~~
22 ~~section and shall document that a preplacement assessment of the~~
23 ~~service needs of the child and family, and preplacement preventive~~
24 ~~services, have been provided, and that reasonable efforts to prevent~~
25 ~~out-of-home placement have been made.~~

26 ~~(2) In determining the reasonable services to be offered or~~
27 ~~provided, the child's health and safety shall be the paramount~~
28 ~~concerns.~~

29 ~~(3) Upon a determination pursuant to paragraph (1) of~~
30 ~~subdivision (c) of Section 361.5 that reasonable services will be~~
31 ~~offered to a parent who is incarcerated in a county jail or state~~
32 ~~prison, detained by the United States Department of Homeland~~
33 ~~Security, or deported to his or her country of origin, the case plan~~
34 ~~shall include information, to the extent possible, about a parent's~~
35 ~~incarceration in a county jail or the state prison, detention by the~~
36 ~~United States Department of Homeland Security, or deportation~~
37 ~~during the time that a minor child of that parent is involved in~~
38 ~~dependency care.~~

39 ~~(4) Reasonable services shall be offered or provided to make it~~
40 ~~possible for a child to return to a safe home environment, unless,~~

1 pursuant to subdivisions (b) and (c) of Section 361.5, the court
2 determines that reunification services shall not be provided.

3 (5) If reasonable services are not ordered, or are terminated,
4 reasonable efforts shall be made to place the child in a timely
5 manner in accordance with the permanent plan and to complete
6 all steps necessary to finalize the permanent placement of the child.

7 (c) (1) If out-of-home placement is used to attain case plan
8 goals, the case plan shall include a description of the type of home
9 or institution in which the child is to be placed, and the reasons
10 for that placement decision. The decision regarding choice of
11 placement shall be based upon selection of a safe setting that is
12 the least restrictive or most familylike and the most appropriate
13 setting that is available and in close proximity to the parent's home,
14 proximity to the child's school, and consistent with the selection
15 of the environment best suited to meet the child's special needs
16 and best interests. The selection shall consider, in order of priority,
17 placement with relatives, nonrelated extended family members,
18 tribal members, and foster family homes, certified homes of foster
19 family agencies, intensive treatment or multidimensional treatment
20 foster care homes, group care placements, such as group homes
21 and community treatment facilities, and residential treatment
22 pursuant to Section 7950 of the Family Code. In all settings,
23 children shall be placed according to their gender identity,
24 regardless of the gender or sex listed in their court or child welfare
25 records.

26 (2) If a group care placement is selected for a child, the case
27 plan shall indicate the needs of the child that necessitate this
28 placement, the plan for transitioning the child to a less restrictive
29 environment, and the projected timeline by which the child will
30 be transitioned to a less restrictive environment. This section of
31 the case plan shall be reviewed and updated at least semiannually.

32 (3) On or after January 1, 2012, for a nonminor dependent, as
33 defined in subdivision (v) of Section 11400, who is receiving
34 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
35 in addition to the above requirements, the selection of the
36 placement, including a supervised independent living placement,
37 as described in subdivision (w) of Section 11400, shall also be
38 based upon the developmental needs of young adults by providing
39 opportunities to have incremental responsibilities that prepare a
40 nonminor dependent to transition to independent living. If

1 admission to, or continuation in, a group home placement is being
2 considered for a nonminor dependent, the group home placement
3 approval decision shall include a youth-driven, team-based case
4 planning process, as defined by the department, in consultation
5 with stakeholders. The case plan shall consider the full range of
6 placement options, and shall specify why admission to, or
7 continuation in, a group home placement is the best alternative
8 available at the time to meet the special needs or well-being of the
9 nonminor dependent, and how the placement will contribute to the
10 nonminor dependent's transition to independent living. The case
11 plan shall specify the treatment strategies that will be used to
12 prepare the nonminor dependent for discharge to a less restrictive
13 and more familylike setting, including a target date for discharge
14 from the group home placement. The placement shall be reviewed
15 and updated on a regular, periodic basis to ensure that continuation
16 in the group home remains in the best interests of the nonminor
17 dependent and that progress is being made in achieving case plan
18 goals leading to independent living. The group home placement
19 planning process shall begin as soon as it becomes clear to the
20 county welfare department or probation office that a foster child
21 in group home placement is likely to remain in group home
22 placement on his or her 18th birthday, in order to expedite the
23 transition to a less restrictive and more familylike setting if he or
24 she becomes a nonminor dependent. The case planning process
25 shall include informing the youth of all of his or her options,
26 including, but not limited to, admission to or continuation in a
27 group home placement. Consideration for continuation of existing
28 group home placement for a nonminor dependent under 19 years
29 of age may include the need to stay in the same placement in order
30 to complete high school. After a nonminor dependent either
31 completes high school or attains his or her 19th birthday, whichever
32 is earlier, continuation in or admission to a group home is
33 prohibited unless the nonminor dependent satisfies the conditions
34 of paragraph (5) of subdivision (b) of Section 11403, and group
35 home placement functions as a short-term transition to the
36 appropriate system of care. Treatment services provided by the
37 group home placement to the nonminor dependent to alleviate or
38 ameliorate the medical condition, as described in paragraph (5) of
39 subdivision (b) of Section 11403, shall not constitute the sole basis

1 to disqualify a nonminor dependent from the group home
2 placement.

3 (4) In addition to the requirements of paragraphs (1) to (3),
4 inclusive, and taking into account other statutory considerations
5 regarding placement, the selection of the most appropriate home
6 that will meet the child's special needs and best interests shall also
7 promote educational stability by taking into consideration
8 proximity to the child's school of origin, and school attendance
9 area, the number of school transfers the child has previously
10 experienced, and the child's school matriculation schedule, in
11 addition to other indicators of educational stability that the
12 Legislature hereby encourages the State Department of Social
13 Services and the State Department of Education to develop.

14 (d) A written case plan shall be completed within a maximum
15 of 60 days of the initial removal of the child or of the in-person
16 response required under subdivision (f) of Section 16501 if the
17 child has not been removed from his or her home, or by the date
18 of the dispositional hearing pursuant to Section 358, whichever
19 occurs first. The case plan shall be updated, as the service needs
20 of the child and family dictate. At a minimum, the case plan shall
21 be updated in conjunction with each status review hearing
22 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
23 the hearing conducted pursuant to Section 366.26, but no less
24 frequently than once every six months. Each updated case plan
25 shall include a description of the services that have been provided
26 to the child under the plan and an evaluation of the appropriateness
27 and effectiveness of those services.

28 (1) It is the intent of the Legislature that extending the maximum
29 time available for preparing a written case plan from 30 to 60 days
30 will afford caseworkers time to actively engage families, and to
31 solicit and integrate into the case plan the input of the child and
32 the child's family, as well as the input of relatives and other
33 interested parties.

34 (2) The extension of the maximum time available for preparing
35 a written case plan from the 30 to 60 days shall be effective 90
36 days after the date that the department gives counties written notice
37 that necessary changes have been made to the Child Welfare
38 Services Case Management System to account for the 60-day
39 timeframe for preparing a written case plan.

1 ~~(e) The child welfare services case plan shall be comprehensive~~
2 ~~enough to meet the juvenile court dependency proceedings~~
3 ~~requirements pursuant to Article 6 (commencing with Section 300)~~
4 ~~of Chapter 2 of Part 1 of Division 2.~~

5 ~~(f) The case plan shall be developed as follows:~~

6 ~~(1) The case plan shall be based upon an assessment of the~~
7 ~~circumstances that required child welfare services intervention.~~
8 ~~The child shall be involved in developing the case plan as age and~~
9 ~~developmentally appropriate.~~

10 ~~(2) The case plan shall identify specific goals and the~~
11 ~~appropriateness of the planned services in meeting those goals.~~

12 ~~(3) The case plan shall identify the original allegations of abuse~~
13 ~~or neglect, as defined in Article 2.5 (commencing with Section~~
14 ~~11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the~~
15 ~~conditions cited as the basis for declaring the child a dependent of~~
16 ~~the court pursuant to Section 300, or all of these, and the other~~
17 ~~precipitating incidents that led to child welfare services~~
18 ~~intervention.~~

19 ~~(4) The case plan shall include a description of the schedule of~~
20 ~~the placement agency contacts with the child and the family or~~
21 ~~other caretakers. The frequency of these contacts shall be in~~
22 ~~accordance with regulations adopted by the State Department of~~
23 ~~Social Services. If the child has been placed in foster care out of~~
24 ~~state, the county social worker or probation officer, or a social~~
25 ~~worker or probation officer on the staff of the agency in the state~~
26 ~~in which the child has been placed, shall visit the child in a foster~~
27 ~~family home or the home of a relative, consistent with federal law~~
28 ~~and in accordance with the department's approved state plan. For~~
29 ~~children in out-of-state group home facilities, visits shall be~~
30 ~~conducted at least monthly, pursuant to Section 16516.5. At least~~
31 ~~once every six months, at the time of a regularly scheduled~~
32 ~~placement agency contact with the foster child, the child's social~~
33 ~~worker or probation officer shall inform the child of his or her~~
34 ~~rights as a foster child, as specified in Section 16001.9. The social~~
35 ~~worker or probation officer shall provide the information to the~~
36 ~~child in a manner appropriate to the age or developmental level of~~
37 ~~the child.~~

38 ~~(5) (A) When out-of-home services are used, the frequency of~~
39 ~~contact between the natural parents or legal guardians and the child~~
40 ~~shall be specified in the case plan. The frequency of those contacts~~

1 shall reflect overall case goals, and consider other principles
2 outlined in this section.

3 (B) Information regarding any court-ordered visitation between
4 the child and the natural parents or legal guardians, and the terms
5 and conditions needed to facilitate the visits while protecting the
6 safety of the child, shall be provided to the child's out-of-home
7 caregiver as soon as possible after the court order is made.

8 (6) When out-of-home placement is made, the case plan shall
9 include provisions for the development and maintenance of sibling
10 relationships as specified in subdivisions (b), (c), and (d) of Section
11 16002. If appropriate, when siblings who are dependents of the
12 juvenile court are not placed together, the social worker for each
13 child, if different, shall communicate with each of the other social
14 workers and ensure that the child's siblings are informed of
15 significant life events that occur within their extended family.
16 Unless it has been determined that it is inappropriate in a particular
17 case to keep siblings informed of significant life events that occur
18 within the extended family, the social worker shall determine the
19 appropriate means and setting for disclosure of this information
20 to the child commensurate with the child's age and emotional
21 well-being. These significant life events shall include, but shall
22 not be limited to, the following:

23 (A) The death of an immediate relative.

24 (B) The birth of a sibling.

25 (C) Significant changes regarding a dependent child, unless the
26 child objects to the sharing of the information with his or her
27 siblings, including changes in placement, major medical or mental
28 health diagnoses, treatments, or hospitalizations, arrests, and
29 changes in the permanent plan.

30 (7) If out-of-home placement is made in a foster family home,
31 group home, or other child care institution that is either a
32 substantial distance from the home of the child's parent or out of
33 state, the case plan shall specify the reasons why that placement
34 is in the best interest of the child. When an out-of-state group home
35 placement is recommended or made, the case plan shall, in
36 addition, specify compliance with Section 7911.1 of the Family
37 Code.

38 (8) Effective January 1, 2010, a case plan shall ensure the
39 educational stability of the child while in foster care and shall
40 include both of the following:

1 ~~(A) An assurance that the placement takes into account the~~
2 ~~appropriateness of the current educational setting and the proximity~~
3 ~~to the school in which the child is enrolled at the time of placement.~~

4 ~~(B) An assurance that the placement agency has coordinated~~
5 ~~with the person holding the right to make educational decisions~~
6 ~~for the child and appropriate local educational agencies to ensure~~
7 ~~that the child remains in the school in which the child is enrolled~~
8 ~~at the time of placement or, if remaining in that school is not in~~
9 ~~the best interests of the child, assurances by the placement agency~~
10 ~~and the local educational agency to provide immediate and~~
11 ~~appropriate enrollment in a new school and to provide all of the~~
12 ~~child's educational records to the new school.~~

13 ~~(9) (A) If out-of-home services are used, or if parental rights~~
14 ~~have been terminated and the case plan is placement for adoption,~~
15 ~~the case plan shall include a recommendation regarding the~~
16 ~~appropriateness of unsupervised visitation between the child and~~
17 ~~any of the child's siblings. This recommendation shall include a~~
18 ~~statement regarding the child's and the siblings' willingness to~~
19 ~~participate in unsupervised visitation. If the case plan includes a~~
20 ~~recommendation for unsupervised sibling visitation, the plan shall~~
21 ~~also note that information necessary to accomplish this visitation~~
22 ~~has been provided to the child or to the child's siblings.~~

23 ~~(B) Information regarding the schedule and frequency of the~~
24 ~~visits between the child and siblings, as well as any court-ordered~~
25 ~~terms and conditions needed to facilitate the visits while protecting~~
26 ~~the safety of the child, shall be provided to the child's out-of-home~~
27 ~~caregiver as soon as possible after the court order is made.~~

28 ~~(10) If out-of-home services are used and the goal is~~
29 ~~reunification, the case plan shall describe the services to be~~
30 ~~provided to assist in reunification and the services to be provided~~
31 ~~concurrently to achieve legal permanency if efforts to reunify fail.~~
32 ~~The plan shall also consider in-state and out-of-state placements,~~
33 ~~the importance of developing and maintaining sibling relationships~~
34 ~~pursuant to Section 16002, and the desire and willingness of the~~
35 ~~caregiver to provide legal permanency for the child if reunification~~
36 ~~is unsuccessful.~~

37 ~~(11) If out-of-home services are used, the child has been in care~~
38 ~~for at least 12 months, and the goal is not adoptive placement, the~~
39 ~~case plan shall include documentation of the compelling reason~~
40 ~~or reasons why termination of parental rights is not in the child's~~

1 best interest. A determination completed or updated within the
2 past 12 months by the department when it is acting as an adoption
3 agency or by a licensed adoption agency that it is unlikely that the
4 child will be adopted, or that one of the conditions described in
5 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
6 be deemed a compelling reason.

7 (12) (A) Parents and legal guardians shall have an opportunity
8 to review the case plan, and to sign it whenever possible, and then
9 shall receive a copy of the plan. In a voluntary service or placement
10 agreement, the parents or legal guardians shall be required to
11 review and sign the case plan. Whenever possible, parents and
12 legal guardians shall participate in the development of the case
13 plan. Commencing January 1, 2012, for nonminor dependents, as
14 defined in subdivision (v) of Section 11400, who are receiving
15 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
16 to Section 11403, the transitional independent living case plan, as
17 set forth in subdivision (y) of Section 11400, shall be developed
18 with, and signed by, the nonminor.

19 (B) Parents and legal guardians shall be advised that, pursuant
20 to Section 1228.1 of the Evidence Code, neither their signature on
21 the child welfare services case plan nor their acceptance of any
22 services prescribed in the child welfare services case plan shall
23 constitute an admission of guilt or be used as evidence against the
24 parent or legal guardian in a court of law. However, they shall also
25 be advised that the parent's or guardian's failure to cooperate,
26 except for good cause, in the provision of services specified in the
27 child welfare services case plan may be used in any hearing held
28 pursuant to Section 366.21, 366.22, or 366.25 as evidence.

29 (13) A child shall be given a meaningful opportunity to
30 participate in the development of the case plan and state his or her
31 preference for foster care placement. A child who is 12 years of
32 age or older and in a permanent placement shall also be given the
33 opportunity to review the case plan, sign the case plan, and receive
34 a copy of the case plan.

35 (14) The case plan shall be included in the court report and shall
36 be considered by the court at the initial hearing and each review
37 hearing. Modifications to the case plan made during the period
38 between review hearings need not be approved by the court if the
39 casework supervisor for that case determines that the modifications
40 further the goals of the plan. If out-of-home services are used with

1 the goal of family reunification, the case plan shall consider and
2 describe the application of subdivision (b) of Section 11203.

3 ~~(15) If the case plan has as its goal for the child a permanent~~
4 ~~plan of adoption or placement in another permanent home, it shall~~
5 ~~include a statement of the child's wishes regarding their permanent~~
6 ~~placement plan and an assessment of those stated wishes. The~~
7 ~~agency shall also include documentation of the steps the agency~~
8 ~~is taking to find an adoptive family or other permanent living~~
9 ~~arrangements for the child; to place the child with an adoptive~~
10 ~~family, an appropriate and willing relative, a legal guardian, or in~~
11 ~~another planned permanent living arrangement; and to finalize the~~
12 ~~adoption or legal guardianship. At a minimum, the documentation~~
13 ~~shall include child-specific recruitment efforts, such as the use of~~
14 ~~state, regional, and national adoption exchanges, including~~
15 ~~electronic exchange systems, when the child has been freed for~~
16 ~~adoption. If the plan is for kinship guardianship, the case plan shall~~
17 ~~document how the child meets the kinship guardianship eligibility~~
18 ~~requirements.~~

19 ~~(16) (A) When appropriate, for a child who is 16 years of age~~
20 ~~or older and, commencing January 1, 2012, for a nonminor~~
21 ~~dependent, the case plan shall include the transitional independent~~
22 ~~living plan (TILP), a written description of the programs and~~
23 ~~services that will help the child, consistent with the child's best~~
24 ~~interests, to prepare for the transition from foster care to~~
25 ~~independent living, and, in addition, whether the youth has an~~
26 ~~in-progress application pending for Title XVI Supplemental~~
27 ~~Security Income benefits or for Special Immigrant Juvenile Status~~
28 ~~or other applicable application for legal residency and an active~~
29 ~~dependency case is required for that application. When appropriate,~~
30 ~~for a nonminor dependent, the transitional independent living case~~
31 ~~plan, as described in subdivision (v) of Section 11400, shall include~~
32 ~~the TILP, a written description of the programs and services that~~
33 ~~will help the nonminor dependent, consistent with his or her best~~
34 ~~interests, to prepare for transition from foster care and assist the~~
35 ~~youth in meeting the eligibility criteria set forth in paragraphs (1)~~
36 ~~to (5), inclusive, of subdivision (b) Section 11403. If applicable,~~
37 ~~the case plan shall describe the individualized supervision provided~~
38 ~~in the supervised independent living placement as defined in~~
39 ~~subdivision (w) of Section 11400. The case plan shall be developed~~
40 ~~with the child or nonminor dependent and individuals identified~~

1 as important to the child or nonminor dependent, and shall include
2 steps the agency is taking to ensure that the child or nonminor
3 dependent achieves permanence, including maintaining or
4 obtaining permanent connections to caring and committed adults.

5 (B) During the 90-day period prior to the participant attaining
6 18 years of age or older as the state may elect under Section
7 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
8 675(8)(B)(iii)), whether during that period foster care maintenance
9 payments are being made on the child's behalf or the child is
10 receiving benefits or services under Section 477 of the federal
11 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
12 appropriate agency staff or probation officer and other
13 representatives of the participant, as appropriate, shall provide the
14 youth or nonminor with assistance and support in developing the
15 written 90-day transition plan, that is personalized at the direction
16 of the child, information as detailed as the participant elects that
17 shall include, but not be limited to, options regarding housing,
18 health insurance, education, local opportunities for mentors and
19 continuing support services, and workforce supports and
20 employment services, a power of attorney for health care, and
21 information regarding the advance health care directive form.

22 (C) For youth 16 years of age or older, the case plan shall
23 include documentation that a consumer credit report was requested
24 annually from each of the three major credit reporting agencies at
25 no charge to the youth and that any results were provided to the
26 youth. For nonminor dependents, the case plan shall include
27 documentation that the county assisted the nonminor dependent
28 in obtaining his or her reports. The case plan shall include
29 documentation of barriers, if any, to obtaining the credit reports.
30 If the consumer credit report reveals any accounts, the case plan
31 shall detail how the county ensured the youth received assistance
32 with interpreting the credit report and resolving any inaccuracies,
33 including any referrals made for the assistance.

34 (g) If the court finds, after considering the case plan, that
35 unsupervised sibling visitation is appropriate and has been
36 consented to, the court shall order that the child or the child's
37 siblings, the child's current caregiver, and the child's prospective
38 adoptive parents, if applicable, be provided with information
39 necessary to accomplish this visitation. This section does not

1 require or prohibit the social worker's facilitation, transportation,
2 or supervision of visits between the child and his or her siblings.

3 ~~(h) The case plan documentation on sibling placements required~~
4 ~~under this section shall not require modification of existing case~~
5 ~~plan forms until the Child Welfare Services Case Management~~
6 ~~System is implemented on a statewide basis.~~

7 ~~(i) When a child is 10 years of age or older and has been in~~
8 ~~out-of-home placement for six months or longer, the case plan~~
9 ~~shall include an identification of individuals, other than the child's~~
10 ~~siblings, who are important to the child and actions necessary to~~
11 ~~maintain the child's relationship with those individuals, provided~~
12 ~~that those relationships are in the best interest of the child. The~~
13 ~~social worker or probation officer shall ask every child who is 10~~
14 ~~years of age or older and who has been in out-of-home placement~~
15 ~~for six months or longer to identify individuals other than the~~
16 ~~child's siblings who are important to the child, and may ask any~~
17 ~~other child to provide that information, as appropriate. The social~~
18 ~~worker or probation officer shall make efforts to identify other~~
19 ~~individuals who are important to the child, consistent with the~~
20 ~~child's best interests.~~

21 ~~(j) The child's caregiver shall be provided a copy of a plan~~
22 ~~outlining the child's needs and services. The nonminor dependent's~~
23 ~~caregiver shall be provided with a copy of the nonminor's THLP.~~

24 ~~(k) On or before June 30, 2008, the department, in consultation~~
25 ~~with the County Welfare Directors Association of California and~~
26 ~~other advocates, shall develop a comprehensive plan to ensure that~~
27 ~~90 percent of foster children are visited by their caseworkers on a~~
28 ~~monthly basis by October 1, 2011, and that the majority of the~~
29 ~~visits occur in the residence of the child. The plan shall include~~
30 ~~any data reporting requirements necessary to comply with the~~
31 ~~provisions of the federal Child and Family Services Improvement~~
32 ~~Act of 2006 (Public Law 109-288).~~

33 ~~(l) The implementation and operation of the amendments to~~
34 ~~subdivision (i) enacted at the 2005-06 Regular Session shall be~~
35 ~~subject to appropriation through the budget process and by phase,~~
36 ~~as provided in Section 366.35.~~

37 *SEC. 3. Section 16006 is added to the Welfare and Institutions*
38 *Code, to read:*

1 16006. *Children and nonminor dependents in out-of-home care*
2 *shall be placed according to their gender identity, regardless of*
3 *the gender or sex listed in their court or child welfare records.*

4 SEC. 4. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

O